

KPS CONSULTING

“Building an Access Bridge in Technology and Telecommunications”

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August 6, 2004

By electronic filing:

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Ex Parte Presentation**
CG Docket No. 98-67

Dear Ms. Dortch:

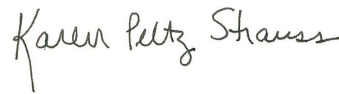
On August 5, 2004, the undersigned, together with Mark Seeger and Tim Rarus of Communication Service for the Deaf, Inc. (CSD), met with Jay Keithley and Tom Chandler of the Consumer and Governmental Affairs Bureau about video relay services (VRS). The meeting was held to introduce CSD and to discuss the history and scope of the American with Disabilities Act's (ADA) mandate for telecommunications relay services (TRS). After generally discussing Congress's intent behind Title IV of the ADA, CSD noted the following:

- Over 1000 consumers have sent in comments expressing concerns about the future of VRS and requesting that the VRS rate not be lowered. These comments, as well as the fact that the drop in rate caused reduced hours and longer waiting times for VRS consumers, demonstrate that a reduction in the VRS rate is adversely affecting VRS quality.
- The fact that VRS volume has increased over the past year is not evidence of full satisfaction with VRS services. Relay history shows that volume can increase despite poor quality, if a particular service is the only one that certain consumers can use to access telecommunications.
- There is a single standard of functional equivalency for VRS set by the ADA. The FCC can not determine that VRS should be held to a lesser standard just because the service is not yet mandated by the FCC. Allowing research and development (R&D) costs for TRS but not for VRS conflicts with both the

ADA's directive to encourage new technologies, and the FCC's own requirements for providers to submit annual reports on their efforts to improve technology in order to eliminate existing VRS waivers. For example, without R&D, providers cannot research how to resolve current waivers for emergency calls or how to lower the costs of improving answer speeds.

- Answer speed is a critical component of ensuring functionally equivalent VRS. Standards should be in place to ensure that VRS users receive prompt responses to their phone calls much sooner than January 2006, when the answer speed waiver is set to expire.
- The current reimbursement model rewards inferior relay service because if a provider offers lesser service at a low rate, all provider compensation is pulled down. This is an anti-competitive model because there are no standards of quality by which rates are determined. In addition, because there are no requirements for interoperability, companies that block incoming and outgoing access to VRS through other providers impede competition and deny consumers telephone service that is functionally equivalent to voice telephone services.
- The 2003-04 rate for video relay services (\$8.85 per minute) should remain as the rate for 2004-05, pending a completion of the FCC's review and determination of issues of VRS quality and compensation. Maintaining the rate for VRS at \$8.85 will go a long way toward achieving functionally equivalent service during this interim period.

Sincerely,

A handwritten signature in cursive script that reads "Karen Peltz Strauss".

Karen Peltz Strauss
Legal Consultant for CSD